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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,493	03/08/2004	Andrew D. Wells	27475/05251	2492

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EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/708,493		WELLS ET AL.	
	Examiner		Art Unit	
	Janet M. Wilkens		3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,17-19,23 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,17-19,23 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> . |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 18, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schorhuber (3,284,152). Schorhuber teaches a cabinet (Fig. 16) comprising: a set of cabinet panels (36,62 for example) forming a cabinet structure and U-shaped edging (34) secured to the bottom panel having a termination end of one of the legs of the edging extending beyond the outer surface of the panel at an angle (approximately 90 degrees) to the outer surface of the panel (see Attachment A) and wherein the edging is substantially flush with the inner surface of the panel (see Figs. 9 and 16) via a projection portion (inner flange 34 and groove/ recess where the inner flange is positioned). Furthermore, the cabinet includes "slack" (at 61). Note: limitations found in intended use/"for" statements have been given no weight in the claims.

Claims 1, 17, 18, 23 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Manlove et al (3,961,456). Manlove teaches a cabinet (Fig. 1) comprising: a set of cabinet panels (3-8,38) forming a cabinet structure and U-shaped edging (14; Fig. 2) secured to the side panels and having a termination end of one of the legs (21) of the edging extending beyond the outer surface of the panel at an angle (approximately 90 degrees) to the outer surface of the panel (see Fig. 2) and wherein the other leg (19) of the edging is substantially flush with the inner surface of the panel (see Fig. 2) via a groove in the panel wherein the leg sits. Furthermore, the cabinet includes "slack" (at lower portion under 8) and the one leg is narrower than the other leg (see Fig. 2). Note: limitations found in intended use/"for" statements have been given no weight in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorghuber in view of Enns (5,100,216). As stated above, Schorghuber teaches the limitations of claim 17, including panels with edging material. For claim 19, Schorghuber fails to teach hardware and shelves inside the cabinet. Enns teaches a cabinet (Fig. 1) with flush inner edging (26) and with flush hardware and shelves (81)

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therein. The shelves include grooved sides (see Fig. 1) and edging (85). It would have been obvious to one of ordinary skill in the art at the time of the invention to add shelves with the necessary hardware in the cabinet of Schorghuber, such as is taught by Enns, to add additional storage space therein.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorghuber in view of Dickson^(3,329,473). As stated above, Schorghuber teaches the limitations of claim 17, including panels with edging material. For claim 19, Schorghuber fails to teach hardware inside the cabinet. Dickson teaches a cabinet (Fig. 1) with flush inner edging (44) and with flush hardware and drawers therein (see Fig. 3 and column 3, line 21-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to add drawers with the necessary hardware in the cabinet of Schorghuber, such as is taught by Dickson, to add additional and movably mounted storage space therein.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorghuber. As stated above, Schorghuber teaches the limitations of claim 17, including panels with edging material. For claim 31, Schorghuber fails to teach that the second leg of the edging is narrower than its first leg. The examiner takes Official notice that to extrude U-shaped edging with differently sized legs is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use this type of edging in the cabinet of Schorghuber, to provide a sturdier outer edging portion.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manlove. As stated above, Manlove teaches the limitations of claim 1, including a panel with edging material having an overhang. For claim 3, Manlove fails to specifically teach the degree of overhang of the edging material. However, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to have the overhang of the edging material be any of a number of dimensions, including between .125 and .5 inches, depending on the desired need of the person constructing the cabinet, e.g. for aesthetic reasons.

Claims 4-6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manlove in view of Enns. As stated above, Manlove teaches the limitations of claim 1, including panels with edging material. For claims 4-6 and 19, Manlove fails to teach hardware and shelves inside the cabinet. Enns teaches a cabinet (Fig. 1) with flush inner edging (26) and with flush hardware and shelves (81) therein. The shelves include grooved sides (see Fig. 1) and edging (85). It would have been obvious to one of ordinary skill in the art at the time of the invention to add shelves with the necessary hardware in the cabinet of Manlove, such as is taught by Enns, to add additional storage space therein.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manlove in view of Dickson. As stated above, Manlove teaches the limitations of claim 17, including panels with edging material. For claim 19, Manlove fails to teach hardware inside the cabinet. Dickson teaches a cabinet (Fig. 1) with flush inner edging (44) and with flush hardware and drawers therein (see Fig. 3 and column 3, line 21-28). It would

have been obvious to one of ordinary skill in the art at the time of the invention to add drawers with the necessary hardware in the cabinet of Manlove, such as is taught by Dickson, to add additional and movably mounted storage space therein.

Response to Arguments

Applicant's arguments filed March 20, 2007 with respect to claims 17, 18 and 23, applying the reference of Schorghuber, have been fully considered but they are not persuasive. Namely, the cabinet with edging found in the reference of Schorghuber (see Fig. 9) is still deemed to read over the limitations found in claims 17, 18, and 23. See rejection above and Attachment A wherein the termination end of the second leg does extend beyond the cabinet structure.



Applicant's arguments with respect to the references of Schorghuber (over claims 1, 3-6, 29 and 30), Williams (over all claims), and Buck (over all claims), have been fully considered and are persuasive. Therefore, these rejections have been withdrawn. However, the reference of Manlove reads over the claims as amended (see art rejections above).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
May 17, 2007


JANET M. WILKENS
PRIMARY EXAMINER


Nov. 8, 1966

F. SCHÖRGHUBER

3,284,152

KNOCKDOWN FURNITURE

Filed Oct. 14, 1964

3 Sheets-Sheet 2

